

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YIPIT, LLC d/b/a YipitData

Plaintiff,

v.

ZACHARY EMMETT  
ALEXANDER PINSKY, and  
JOHN DOES 1-10,

Defendants.

Case No. 24-cv-7854 (\_\_\_\_\_)

**DECLARATION OF LAURA D. SMOLOWE  
IN SUPPORT OF PRELIMINARY INJUNCTION**

I, Laura D. Smolowe, declare as follows:

1. I am an attorney with the law firm of Munger, Tolles & Olson LLP, counsel for Plaintiff Yipit, LLC d/b/a YipitData (“Yipit”) in the above-captioned matter. I have knowledge of the matters set forth below based on my direct involvement in this matter or the direct involvement of other lawyers at my firm. If called as a witness, I could and would testify competently to the facts stated herein. I submit this declaration in support of Yipit’s concurrently filed motion for preliminary injunction.

2. Attached as **Exhibit 1** is a true and correct copy of a letter dated July 15, 2024, that I sent to M Science LLC (“M Science”) via email on July 15, 2024, to inform it of Zachary Emmett’s (“Mr. Emmett’s”) ongoing obligations to Yipit and to raise concerns about his conduct before his departure from Yipit.

3. Attached as **Exhibit 2** is a true and correct copy of a letter dated July 15, 2024, that I sent to Mr. Emmett via email and FedEx on July 15, 2024, to remind him of his ongoing

obligations to Yipit and to raise concerns about his conduct before his departure from Yipit and in his then-position with M Science.

4. Attached as **Exhibit 3** is a true and correct copy of a letter dated August 2, 2024, that I received from Andrew Shapren (“Mr. Shapren”), outside counsel for M Science and Mr. Emmett, via email on August 2, 2024.

5. Attached as **Exhibit 4 [Lodged Under Seal]** is a true and correct copy of a letter dated August 14, 2024, that I sent to Mr. Shapren via email on August 15, 2024.

6. Attached as **Exhibit 5** is a true and correct copy of a letter dated August 21, 2024, that I received from Mr. Shapren via email on August 21, 2024. In this letter, Mr. Shapren informed me that he no longer represented Mr. Emmett.

7. Attached as **Exhibit 6** is a true and correct copy of a letter dated August 30, 2024, that I received from Mr. Shapren via email on August 30, 2024.

8. Attached as **Exhibit 7 [Lodged Under Seal]** is a true and correct copy of a letter dated September 13, 2024, that I sent to Mr. Shapren via email on September 13, 2024.

9. On September 19, 2024, I am informed that Nina Fletcher (“Ms. Fletcher”), the General Counsel for Yipit, held a telephone meeting with Michael Sharp (“Mr. Sharp”), General Counsel for Jefferies Financial Group Inc. (M Science’s parent company), to discuss M Science’s investigation into misappropriated Yipit information. Mr. Sharp assured Ms. Fletcher that Jefferies was taking the lead on M Science’s investigation. Ms. Fletcher and Mr. Sharp agreed to connect again in 7-10 days to discuss the outputs of that investigation.

10. On October 2, 2024, Ms. Fletcher, Mr. Sharp, Mr. Shapren, and I held a telephone meeting. Counsel for M Science represented that it had been conducting a review, including imaging work phones, and would provide a copy of all Teams messages, texts, emails, and

documents containing potential Yipit confidential information that had been downloaded or uploaded to M Science's systems by the end of the following week.

11. On October 10, 2024, I sent a follow-up email to Mr. Shapren reiterating the need for Yipit to receive its information back and requesting that, after such information is returned, M Science (via its CEO), Mr. Pinsky, and another M Science employee, Mr. Roduit, sign certifications that they no longer possess any Yipit information. Attached as **Exhibit 8** is a true and correct copy of that email and the certification forms I provided.

12. On October 10, counsel for M Science replied that their review and return of documents would be delayed due to issues with their vendor, and that he would discuss the proposed certifications with Mr. Pinsky, Mr. Roduit, and M Science. Attached as **Exhibit 9** is a true and correct copy of that email.

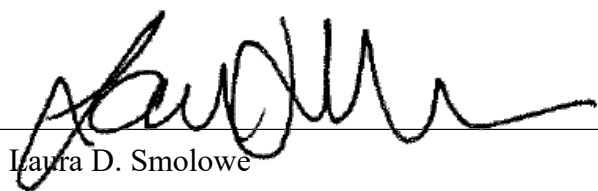
13. As of the date and time I signed this declaration, M Science has not returned Yipit's information or sent signed certifications.

14. As of the date and time I signed this declaration, Yipit has not heard from Mr. Emmett regarding any of its requests. Yipit has not received any confidential information back from Mr. Emmett, nor has Yipit received the requested certification that Mr. Emmett no longer possesses its confidential information.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Executed this 15th day of October 2024, at Seattle, Washington.

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Laura D. Smolowe